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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 O. Z. MARTIN,

10 Plaintiff,

No. CIV S-05-0934 FCD EFB P

11 vs.

12 EDWARD ALAMEIDA, et al.,

13 Defendants.

ORDER

14 _____/
15 Plaintiff is a prisoner without counsel seeking relief for civil rights violations. *See* 42
16 U.S.C. § 1983. This action proceeds on the complaint filed May 12, 2005. On July 13, 2006,
17 process was returned executed with respect to Dr. Leftwitch, but he has not responded to the
18 complaint. Plaintiff seeks assistance obtaining discovery from Dr. Leftwitch through counsel for
19 the defendants who have appeared.

20 Plaintiff may obtain discovery from defendant Leftwitch only through Leftwitch or his
21 attorney. *See* Fed. R. Civ. P. 22, 34, 36. Since Leftwitch has not answered the complaint or
22 otherwise appeared on her own behalf or through counsel, plaintiff cannot obtain discovery from
23 him. Counsel for the other defendants cannot act on behalf of a defendant who is not her client.

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1 Accordingly, it is ORDERED that plaintiff's July 31, 2006, motion for leave to pursue
2 discovery is denied.

3 Dated: November 15, 2006.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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